

FENWAY GARDEN SOCIETY, INC (FGS)

MEMBERS' RIGHTS AND RESPONSIBILITIES (MEMBERS' HANDBOOK) Adopted February 17, 2022

1. ADMINISTRATIVE INFORMATION

1.1. Definition of Member in Good Standing

Member in Good Standing shall mean a Member who is actively maintaining his or her assigned plot(s) in compliance with the FGS Guidelines and Regulations.

1.2. Contact Information

1.2.1. Members' Responsibility

It is the responsibility of all Members to keep FGS informed of their current residential address, their mailing address (if different), phone number and email address. Members who use a PO Box for their mail must still provide their residential address.

1.2.2. Sharing of Members Contact Information

FGS does not share its Membership List with anyone outside The Fenway Garden Society, Inc. However an individual Member's contact information may be shared with another Member at the discretion of an FGS Officer, Section Coordinator, or Area Director or with an organization outside of FGS if a Board Member deems it appropriate to do so. (e.g. if the Boston Park Rangers request contact information because of violation of City of Boston ordinances or Massachusetts State Law.)

1.2.3. Members' Directory

FGS may publish a membership directory (containing Member name, plot number, and email address) to be shared with Members. All Members will have the right to opt out of being included in such a directory. ***The use of other Members' contact information for professional or personal solicitation or personal gain is strictly forbidden. Violation of this rule could result in the revocation of Membership.***

1.3. Staying Informed

It is the responsibility of Members to stay informed by reading the emails that FGS sends to their email address of record. If you are not receiving these, check your SPAM folder and / or contact the VP of Communications.

1.4. Proof of Current Boston Residency

All Members are required to provide proof of their current Residency in the City of Boston. A Massachusetts Drivers License shall be provided as proof of Residency except for those members who do not have a Driver's License who may show any of the following documents to a Board Officer, or their designee:

- Gas, Electric, Cable TV, or Landline Telephone bill dated within the past 3 months;
- Bank or Credit Card Statement dated within the past 3 months;
- Other document acceptable to the FGS Board

FGS shall not retain a copy of any of these documents.

1.5. **Membership Code of Conduct**

Members are expected to conduct themselves in an ethical, professional and responsible way. Members are expected to work with others in a courteous, cooperative, and respectful manner. Inappropriate behavior or harassment may be cause for revocation of Membership and garden(s). Members agree to be bound by this Code of Conduct.

1.6. **Membership Meetings**

Membership meetings are for Members and their co-gardeners only and are closed to the general public. The Executive Board may hire facilitators or invite guest speakers, non-Member award recipients, or legal counsel. As per the Constitution, only Members are allowed to vote at Membership meetings. Each Member gets one vote.

1.7. **Prohibition against Acting as Spokesperson or Representative of FGS**

No Member may act as spokesperson for FGS or identify themselves as representing FGS without prior approval of the President or VP of Communications and Development. Members may identify themselves as Members of FGS or as gardeners in the Fenway Victory Gardens when speaking to third parties, but may not present their position or opinion as the official position of FGS.

1.8. **Annual Membership Renewal and Payment of Dues and Late Fees (if necessary)**

1.8.1. **Basic Information**

The **Membership Renewal Date is April 15 each year.**

Membership Dues can only be changed by a vote of the Membership.

Waiver of Dues: No one will be denied Membership or a garden due to inability to pay the FGS Membership Dues. Requests for dues waivers are limited to two plots per Member, must be made prior to the Membership Renewal Date, and should be addressed to the FGS President or Treasurer. *Members whose dues are waived shall have all the rights, privileges, and responsibilities of Regular Membership and shall not have additional duties imposed upon them.*

The **Late Fee** is established annually by the FGS board prior to March 15. Any Member whose renewal form and dues are not received by the Membership Renewal Date must pay this fee for each plot.

The **Membership Renewal Final Date is April 30 each year.** *Members who have not paid their dues and returned their Membership Renewal Form prior to this date will be deemed to have surrendered their Membership and their garden(s).*

1.8.2. **Renewal Procedure**

The Membership Renewal Form will be made available to all Members, either via electronic communications, web download, email, or USPS no later than March 25. Members are strongly encouraged to complete their renewal (meaning pay their Membership Dues and submit their completed Membership Renewal Form) prior to the Membership Renewal Date.

1.8.3. **Late Renewal Reminder**

After the **Membership Renewal Date**, the FGS Membership Officer will contact every

Member who has not completed the renewal process to remind them that the renewal form, dues, and Late Fee are all due prior to the Membership Renewal Final Date or their plots(s) will be considered forfeited and will be re-assigned by FGS. **Members will only be contacted one time. They will also be advised to send their Renewal Form, Dues, and Late fee(s) by Certified US Mail or to hand deliver them to the Membership Officer.**

FGS is not obligated to further remind Members to renew their Membership. Gardens for which payment of dues and Membership Renewal Form have not been received by the Membership Renewal Final Date will be considered surrendered.

1.8.4. Extenuating Circumstances

The FGS Board may extend the Membership Renewal Final Date for any Member who, prior to the Membership Renewal Date, informs the Board that they are experiencing extenuating circumstances.

2. CONDUCT WITHIN THE GARDENS

2.1. Security

Each Member's security and safety is their own responsibility. The City of Boston responds to 911 calls within the gardens, whose physical address is 1200 Boylston Street. Calling 311 or the Park Rangers (M-F 9-5) at 617-635-7383 is appropriate for non-emergency situations. In addition to reporting incidents to the City of Boston, Members should send an email to security@fenwayvictorygardens.org describing the incident.

Unfortunately, gardens get broken into and tools, garden furniture, and plants get stolen. FGS has no responsibility for items placed or stored in Members' gardens. All items in a Members' garden are placed and stored there at the Member's Risk.

2.2. Guidelines and Regulations

Members are required to abide by FGS Guidelines and Regulations which can be found on our website. Failure to follow the Guidelines and Regulations can result in the revocation of a Member's garden.

2.3. Water

The City of Boston provides water to the Gardens at no charge. There is a connection to our irrigation system near or in each plot. Spigots on the irrigation pipes should be in the off position when not in use. Members must never use pliers or wrenches to turn water on or off but instead use a silcock (with a square center). You are allowed to attach a splitter to the spigot that you share with your neighbor to allow you both to keep a hose attached. Automatic timers connected to the faucets are not permitted; when they fail they damage neighboring gardens.

It is everyone's responsibility to conserve water in the gardens. Members should send an email to water@fenwayvictorygardens.org to report leaks or other problems with our irrigation system.

2.4. Garden Plot Tags

All gardens have a small metal tag with the plot number on the outside of the garden, usually on a gate or strike post. When replacing your fence please re-use your tag. If your tag is missing or you need help detaching and reattaching it, please inform the VP of the Park who will arrange for it to be replaced.

2.5. Temporary Waiver of Requirement to Maintain One's Assigned Garden

If, due to extenuating circumstances, a Member is unable to maintain their garden, they will be allowed to keep their plot if they are able to make appropriate arrangements to ensure their plot is in compliance with the FGS Guidelines and Regulations. They may also request help from the FGS Board to maintain their garden, and the FGS Board will try to fulfill that request. The maximum length of this accommodation is one year.

2.6. Trash, Compost, Invasive Plants, and Recyclables

Members must abide by **FGS Trash and Compost Rules** which describe how to dispose of needles*, garden chemicals*, scrap metal, gasoline or fuel, invasive species, organic matter, recyclables and large and small trash. These rules are in a separate document that can be found on our website.

** there are state and federal regulations governing the disposal of needles and garden chemicals as hazardous materials.*

2.7. Requirement to do Volunteer Work

Members under the age of 65 are required to do at least 9 hours of volunteer work for FGS annually. Many Members do far more than that minimum. Volunteer hours can be fulfilled by physical labor in the Gardens, usually, but not always, performed on Community Participation Days (CPDs) or Board approved administrative or committee work. Though this requirement is waived for Senior Members, many seniors still choose to participate and we appreciate their contributions. Members may be granted exemption from this requirement for up to two years, if they inform the board in advance of extenuating circumstances that limit their ability to volunteer. **Failure to meet this requirement may result in the revocation of a Member's garden plot and will be taken into consideration during any revocation hearing.**

Serving on the Executive Board shall exempt Members from the requirement to volunteer for five years for each year that they served on the board.

In addition to volunteer hours Members are expected to pick up trash within the gardens whenever they see it and to add wood chips to their rows as necessary. Wood chips are provided by FGS for this purpose

3. GARDEN REVOCATION PROCEDURE

Gardens and Membership may be revoked for the following reasons:

- (i) the Member not being a current resident of the City of Boston
- (ii) the poor condition of the garden
- (iii) the violation of the FGS Guidelines and Regulations or of the rules in this document
- (iv) the misbehavior of the Member (as determined in Section 3.4)
- (v) failure of the Member to fulfill the requirement of volunteer hours.

Though the revocation procedure and appeal process (if any) is dependent upon the reason for revocation, warnings received for any reason may be a factor in the decision to revoke a garden or in any appeal decision.

If a Member has more than one assigned garden, a revocation due to the condition of the garden shall specify which plot(s) are being revoked. Revocation for any other reason shall apply to the Member and therefore to FGS Membership and to all of the Member's assigned plots.

3.1. Revocation due to violation of requirement of Boston Residency.

If a member cannot provide proof of current Residency in the City of Boston (as described above), the Board shall revoke the Membership and all gardens assigned to the Member. There is no appeal process.

3.2. Revocation Due to the Condition of the Garden

3.2.1. Revocation Process

If a garden is not compliant with the Guidelines and Regulations or appears to be abandoned as determined by the VP of the park and two other Executive Board Members to be a security hazard the Member will be notified by email of the non-compliance by the VP of the Park or Section Coordinator and will have 1 week to correct the situation. If the violation persists, the garden(s) will be revoked, in accordance with the FGS Constitution and Bylaws, Article V, Section 1(g):

“VP of the Park and two other Executive Board officers may revoke gardens that do not comply with Guidelines and Regulations”

Upon receipt of a revocation letter, the Member will have one (1) week to remove personal items from the garden. The member may appeal the revocation using the process described in Section 3.2.2 below.

3.2.2. Appeal Process

An Appeal of Revocation must be made in writing, preferably by email, within one week of the revocation. An Appeal Board, consisting of the President and two impartial Area Directors, one of which may be of the gardener’s choosing, and one of which shall be appointed by the President shall meet with the Member and discuss the issues and any extenuating circumstances. The decision of the Appeals Board is final.

3.2.3. Grace Period

Any Member assigned a new garden that is out of compliance with the Guidelines and Regulations will have forty-five (45) days to make substantial progress at getting their garden into compliance before this procedure can be initiated.

3.3. Revocation Due to Violation of Rules in the FGS Guidelines and Regulations or in this Document

If a gardener engages in activities that are explicitly forbidden or in the FGS Guidelines and Regulations or in this document they will receive an official warning from a Member of the Executive Board. If they believe that the official warning was received in error, they may request that it be rescinded. Said request must be received within ten days of the issuance of the warning. A panel of three Area Directors will decide if the warning should be rescinded and if it is rescinded, the record of the warning shall be deleted. After two non-rescinded warnings within a 3 year period, the Membership may be revoked by the VP of the Park with the agreement of two other Officers.

Upon receipt of a revocation letter, the Member will have 1 week to remove personal items from the garden. The member may appeal the revocation using the process described in 3.2.2.

3.4. Revocation due to Misbehavior

3.4.1. Revocation Due to Harassment or Other Unacceptable Behavior by Member

If the FGS board receives a complaint of harassment or other unacceptable behavior by a

Member, the FGS board shall notify the Member of the alleged misbehavior and open an investigation by convening an Ad-Hoc Committee of two impartial Members and one Board Member for the purpose of investigating the complaints and deciding if the Member's garden(s) and Membership shall be revoked. The two members of the Ad-Hoc Committee who are not Board Members shall be approved by both the Board Member and the allegedly misbehaving Member.

The Ad-Hoc Committee shall be given complete information as to

- (a) the complaint the Board received regarding the misbehavior, and
- (b) any previous complaints that have been made against the allegedly misbehaving Member

The Ad-Hoc Committee shall interview all parties involved, and if possible witnesses to the alleged actions and then recommend to the Board whether the allegedly misbehaving Member shall have his or her Membership and garden(s) revoked, and the Board shall be bound to follow this recommendation. There is no appeal.

3.4.2. Revocation Due to Behavior by that is Detrimental to Fenway Garden Society, Inc.

The FGS Board, by majority vote, may revoke the Membership and garden(s) of any Member for the following reasons:

- misappropriation of FGS funds
- misappropriation of FGS keys, tools, or supplies (of value significant value)
- misappropriation of FGS documents and data (including emails and financial statements, membership lists, passwords, lock combinations)
- criminal behavior that has taken place in the gardens for which the Member has either been found guilty or pled guilty in a court of law.

The Member shall be presented with evidence of the reputed actions and have the right to state their case prior to the Board vote. If the Board votes to revoke they will immediately inform the Member, who has one week to surrender their garden or inform the Board in writing of their intent to appeal the revocation following the process described in Section 3.4.3

3.4.3. Appeal Process

The appeal will take place in front of a specially convened board with a minimum of nine members and no maximum number of members. All elected FGS officials - the five elected officers, four Section Coordinators, and all Area Directors, but excluding the Member who is appealing the revocation should he or she be an officer, Section Coordinator, or Area Director, shall be invited to serve on this board. The President shall present the reasons and evidence for the revocation and the Member shall present the reasons and evidence for rescinding the revocation. A vote of this specially convened board shall be final. The President of FGS shall only vote in the case of a tie.

3.5. Revocation for Failure to Perform Required Volunteer Hours

It is the responsibility of the FGS Board to track Member volunteer hours.

At the end of each year, FGS shall send a formal warning to Members who, according to FGS records, did not fulfill their required volunteer hours and did not request a waiver of this requirement. The Member will have the opportunity to correct the FGS record by having a Board Officer, Section Coordinator, or Area Director describe what they have done. The request for correction must happen within 30 days of receipt of the warning.

The garden(s) and Membership of any Member who has failed to fulfill their volunteer hours for three out of any five consecutive calendar years may be revoked by a vote of the Executive Board. There is no appeal.

4. CHANGING GARDENS

While changing gardens is generally discouraged there are times when it makes sense and a request to change gardens will generally be approved provided the garden being vacated is in good condition and not in violation of the Guidelines and Regulations. No Member will be allowed to change gardens as a means of “upgrading” from a garden that has been neglected or is in need of attention to one that is in much better shape. Any Member who wishes to change gardens for whatever reason should discuss the change with their Section Coordinator or VP of the Park who will work to facilitate the change by advising the Member of the available gardens that meet the Member’s criteria.

Once the Member is assigned a new garden they have four weeks to execute the move without being charged dues for both gardens. They may take longer than the four weeks only if there is no waiting list and they pay dues for both gardens for that gardening season. In no event can the move between gardens extend into the next gardening season.

5. POLICY REGARDING “INHERITANCE” OF A GARDEN BY CO-GARDENER UPON DEATH OR DIVORCE OF MEMBER

Upon the death of a Member, his or her co-gardener, if a current resident of the City of Boston, may request to become a Member (if they are not already one) and to be assigned the plot(s), and the Board shall grant that request provided that doing so does not result in the co-gardener becoming the assigned gardener of more than three (3) plots.

Upon divorce or pending divorce, the Member may request that his/her garden be assigned to his or her ex-spouse (or ex-spouse to be), and the Board shall grant that request, provided that doing so does not result in the ex-spouse becoming the assigned Member in more than three (3) plots and that the ex-spouse is a current resident of the city of Boston. If both spouses claim the right to garden in the assigned plot(s), the spouse who is listed on the FGS Membership list will retain his or her Membership and right to garden in the assigned plot(s) and the spouse listed as a co-gardener shall have no rights. If the ex-spouses are each Members and are assigned to adjacent plots, FGS, if requested, will assign one or both of the ex-spouses to a different plot so that they will no longer be neighbors in the gardens. If there is a dispute, a coin toss will determine which Member will surrender their plot for reassignment and move to a different plot.

6. PROCESS FOR OBTAINING AN ADDITIONAL GARDEN AFTER EXTRAORDINARY SERVICES TO FGS, Inc.

A Member who has performed extraordinary service to the garden and wishes to have an additional garden plot assigned to them may request that the Board grant them an additional garden. The request should be made in writing to the Board and should describe their extraordinary service. The Board will vote to approve, conditionally approve, or disapprove the request. Because the number of such requests that can be approved each year is limited by the Waitlist Management Policy, the Board may choose to consider all such requests at the same time. If the request is approved, the Member will be offered their choice of any garden that becomes available and will have the option to wait for up to two years for an available garden that they find desirable.

We welcome feedback on this Members Handbook.. Please send to info@fenwayvictorygardens.org